

IN THE DISTRICT COURT IN AND FOR MUSKOGEE COUNTY  
STATE OF OKLAHOMA

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MARVIN WINTERS,

PLAINTIFF,

VS.

WANDA SUE DAVIS,  
CDN LOGISTICS, INC. AND  
GREAT WEST CASUALTY CO.,

DEFENDANTS.

CASE No. CF19-471

PETITION

The Plaintiff, Marvin Winters, by and through his attorney of record, J. Gregory LaFevers, for his cause of action against the Defendants, and each of them, alleges and states as follows:

- 1) On or about January 6, 2018, Plaintiff was operating his motor vehicle in an eastbound direction on West Shawnee, west of U.S. Highway 69, Muskogee, Oklahoma when the Defendant Wanda Sue Davis, driving a semi-tractor and trailer for her employer, CDN Logistics, Inc., a common carrier, illegally, recklessly and/or grossly negligently entered West Shawnee from a private drive and struck Plaintiff's vehicle with great force.
- 2) Immediately before, at and after the time of the accident, Defendant Wanda Sue Davis, was acting within the course and scope of her employment with Defendant, CDN Logistics, Inc.
- 3) The negligence of these Defendants also violated Oklahoma Statutes and applicable city ordinances and constitutes negligence per se.
- 4) As a result of these Defendants' reckless and/or grossly negligent conduct, Plaintiff, Marvin Winters, was seriously injured, incurred expenses for necessary medical care, suffered a loss of income and earning capacity, endured pain and suffering and sustained damage to his motor

Exhibit

2

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vehicle he was driving at the time of the accident.

5) Plaintiff incurred bills and charges for the reasonable and necessary medical care and treatment of the injuries sustained as the result of the accident.

6) Defendants Davis and CDN Logistics, Inc. were guilty of reckless disregard for the rights of others, acted intentionally and with malice towards others and engaged in conduct life threatening to other individuals, including Plaintiff, subjecting them to an award of punitive damages in an amount determined by a jury.

7) At the time of the collision, Defendant Great West Casualty Co. had issued to Defendant CDN Logistics, Inc., one of more motor vehicle liability insurance policies which were in full force and effect at the time of the crash. Pursuant to the terms of said policy/policies and Oklahoma law, Great West Casualty Co. is jointly liable with Davis and CDN Logistics, Inc. for damages suffered by Plaintiff as a result of the subject accident.

Plaintiff, Marvin Winters, therefore prays for judgment in his favor and against the Defendants, and each of them, for actual damages in an amount in excess of \$10,000.00 and further prays for punitive damages against the Defendants in an amount determined by a jury together with interest, costs and any other relief that is just and equitable.

Respectfully submitted,

  
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ATTORNEY'S LIEN CLAIMED